

Administrative Procedures For Electronically Filed Cases and Related Documents



United States Bankruptcy Court for the Eastern and Western Districts of Arkansas

Version 7.1
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I. REGISTRATION AND PARTICIPATION IN THE CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF) SYSTEM

A. Definitions

1. **Attorney** - An individual admitted to practice law before any federal court in the United States.
2. **CM/ECF** (aka the “ECF System”) - A case management and docketing system which allows attorneys to submit documents created in electronic format to the Court by means of the Internet.
3. **Creditor Filer** - An individual or entity, including a governmental entity, desiring to file proofs of claims or other limited pleadings with the Court.
4. **Personal Financial Management Course Provider Filer** (or “Financial Management Course Filer”) - An individual or entity, desiring to file certificates of a debtor’s or debtors’ completion of a course in personal financial management with the Court.
5. **Event** - An ECF menu item that corresponds with the pleading being filed.
6. **Filing ID** (or “ECF Filing ID”) – An official ID and password issued by the Court allowing an attorney, creditor or trustee access to file pleadings, claims and/or other documents via the Eastern and Western District of Arkansas Bankruptcy ECF System.
7. **Filing User** (or “User”) - Any individual who has a Court-issued login and password to the ECF System to file documents electronically.
8. **Notice of Bankruptcy Case Filing** - A CM/ECF document that is generated at case opening with all the substantive information of the case. The entry date appears on the local court seal displayed on this formal notice. When the petition is submitted by an attorney both the date and the time of filing appear.
9. **Notice of Electronic Filing** (NEF) - An automatically generated notice at the time a document is filed in the ECF System. The NEF sets forth the time of filing, the date the document is entered on the docket, the name of the party and attorney filing the document, the type of document, text of the docket entry, name of the party or attorney receiving the notice, and an electronic hyperlink to the filed document.

10. **PACER** (Public Access to Court Electronic Records) - An automated system that allows an individual to view, print and download Court docket information over the Internet at a fee established by the Judicial Conference of the United States.
11. **PDF** (Portable Document Format) - A PDF document is a type of imaged document first created by Adobe Acrobat. Once filed in the ECF System, each document is secured with a unique encrypted key. All documents filed in the ECF System must be in PDF format with the exception of the creditor list (matrix), which must be uploaded using a file in a text (.txt) format, and the data files used in the case upload process.
12. **Technical Failure** - A failure of Court owned/leased hardware, Internet, or telecommunications facility which results in the inability of a Filing User to submit a filing electronically. "Technical Failure" does not include the malfunctioning of a Filing User's equipment.

B. Designation of Cases

In accordance with Local Rule 5005-4, the Court designates that all cases and documents filed in the United States Bankruptcy Court for the Eastern and Western Districts of Arkansas ("the Court") shall be filed electronically and maintained on the ECF System in electronic format.

C. Logins and Password

In accordance with Local Rule 5005-4, attorneys practicing before the Court are required to obtain and use a Filing ID assigned by the Court to participate in the electronic filing of pleadings and other papers. Creditor Filers filing proofs of claim and other limited pleadings and papers may also participate in the ECF System.

1. Attorneys: To obtain a Filing ID with the Court, an attorney must:
 - a. Be admitted to practice law before any federal court in the United States;
 - b. Be paid and active regarding his or her bar license;
 - c. Complete, sign and submit the *Attorney Registration Form* or *Out-of-State Attorney Registration Form* prescribed by the Clerk. Registration forms may be found on the Court's website www.arb.uscourts.gov or in the Clerk's Office in Little Rock and Fayetteville. The registration form shall be mailed or delivered to the Clerk's Office in Little Rock in an envelope marked:
Attention: ECF Help Desk
U.S. Bankruptcy Court

300 W. 2nd Street
Little Rock, AR 72201

Registration forms may also be faxed to 501-918-5503,
Attention ECF Help Desk

- d. Complete Court provided training on the ECF System. For training information, contact Linda Schacherbauer at 479-582-9818. **Exception:** The Court currently permits attorneys who are ECF certified in another bankruptcy or federal district court to obtain a Filing ID for our Court's ECF System without additional training. To obtain a Filing ID for this Court, attorneys who are ECF certified in other federal courts must provide us with the name of the court where they are certified. **Note:** Attorneys who obtain a Filing ID, but who are not admitted to the bar of either the U.S. District Court for the Eastern District or Western District of Arkansas must determine whether the requirements of Local Rule 2090-1(b) regarding *pro hac vice* admission apply.
 - e. Have a PACER account in addition to an ECF System Filing ID assigned by the Court. See Section I.D. below for further information.
2. Creditor Filers: To obtain a limited filing ID for the ECF System, Creditor Filer must:
- a. Complete, sign and submit the *Creditor Filer Registration Form* prescribed by the Clerk. The registration form may be found on the Court's website www.arb.uscourts.gov or in the Clerk's Office in Little Rock and Fayetteville. The registration form shall be mailed or delivered to the Clerk's Office in Little Rock in an envelope marked:
Attention: ECF Help Desk
U.S. Bankruptcy Court
300 W. 2nd Street
Little Rock, AR 72201
Registration forms may also be faxed to 501-918-5504,
Attention ECF Help Desk.
 - b. Complete Court provided training on the ECF System via class or web tutorials. **Exception:** The Court currently permits Creditor Filers who are ECF certified in another bankruptcy or federal district court to obtain a Filing ID for our Court's ECF System without additional training. To obtain a Filing ID for this Court, Creditor Filers who are ECF certified in other federal courts must provide us with the name of the court where they are certified by listing the court(s) on the *Creditor Filer Registration Form*. For training information, contact Linda Schacherbauer at 479-582-9818.

3. Auditors: Pursuant to 28 U.S.C. § 586(f), the U.S. Trustee for each district is authorized to contract with auditors to perform audits of certain bankruptcy cases and the report of each audit performed shall be filed with the Court. Any such auditors may register as limited Filing Users in the ECF System. Contact the ECF Help Desk at 501-918-5590 or Toll Free at 866-497-9068 for further information.
4. Transcribers: Transcribers listed on the court's website may register as limited Filing Users in the ECF System for the purpose of docketing the "transcript purchased" event. Contact the ECF Help Desk at 501-918-5590 or Toll Free at 866-497-9068 for further information.
5. Financial Management Course Filers: To obtain a limited filing ID for the ECF System, a Financial Management Course Filer must:
 - a. Complete, sign and submit the *Financial Management Course Provider Registration Form* prescribed by the Clerk. The registration form may be found on the Court's website www.arb.uscourts.gov or in the Clerk's Office in Little Rock and Fayetteville. The registration form shall be mailed or delivered to the Clerk's Office in Little Rock in an envelope marked:

Attention: ECF Help Desk
U.S. Bankruptcy Court
300 W. 2nd Street
Little Rock, AR 72201

Registration forms may also be faxed to 501-918-5503, Attention ECF Help Desk.
 - b. Complete Court provided training on the ECF System via class or web tutorials. **Exception:** The Court currently permits Financial Management Course Filers who are ECF certified in another bankruptcy or federal district court to obtain a Filing ID for our Court's ECF System without additional training. To obtain a Filing ID for this Court, Financial Management Course Filers who are ECF certified in other federal courts must provide us with the name of the court where they are certified by listing the court(s) on the *Financial Management Course Provider Registration Form*. For training information, Linda Schacherbauer at 479-582-9818.
 - c. Failure to file the certificate of a debtor's or debtors' completion of the financial management course in a timely manner may result in the revocation of the Financial Management Course Filer's limited filing privileges. If the

limited filing privileges are revoked, the court will notify the Executive Office for U.S. Trustees of the revocation.

D. PACER

Anyone wishing to view documents and Court dockets on the ECF System from a location other than the Clerk's Office **must** have an account on the PACER system. To establish a PACER account, go to www.pacer.psc.uscourts.gov. For public access, see section IV below.

E. ECF Filer Responsibilities

1. Logging onto the ECF System using the assigned Filing ID constitutes the Filing User's original signature on all documents and actions unless otherwise required by the Court. Therefore, if an attorney allows his/her employees to access the ECF System using the attorney's Filing ID, the attorney is responsible for all applicable charges and any documents filed will be deemed authorized and signed by the attorney.
2. An attorney shall not share his/her Filing ID with other attorneys for the purpose of having pleadings filed on the ECF System. When a pleading is filed on the ECF System, the Filing ID login name must match the signature on the attached PDF pleading. Exception: An attorney may file a pleading on behalf of another attorney from the same law firm, provided that the name and signature of the attorney logging on to ECF appear on the pleading.
3. If any of the information on the Filing User's account changes, i.e., mailing address, e-mail address, etc., it is the Filing User's responsibility to log onto the ECF System and make changes by accessing the "Utility" menu and selecting "Maintain Your ECF Account." It is **not** the Court's responsibility to re-send or investigate returned e-mails not properly maintained by Filing Users. In addition, if an attorney whose email address, mailing address or telephone number has changed from the information in the ECF System, that attorney should file a timely notice of a change of address and serve a copy of the notice on all other parties. Attorneys or Creditors registered with the Bankruptcy Noticing Center (BNC) for noticing purposes must also notify the BNC if their delivery information changes.
4. Any Filing User having reason to believe that the security of an existing Filing ID has been compromised or that a threat to the Court's computer ECF System may exist, shall immediately notify the ECF Help Desk by telephone so as to prevent possible

unauthorized access to the Court's computer system. If the Clerk notices that a user's Filing ID has been compromised, the ECF Help Desk will notify the user. In all cases, the Clerk will make necessary corrections to the ECF System and establish a new Filing ID for the Filing User.

II. FILING OF DOCUMENTS

A. Filing

All petitions, motions, pleadings, memoranda of law, or other documents required to be filed with the Court in connection with any case shall be filed electronically on the ECF System, unless an exception stated in Local Rule 5005-4 applies. Filers filing pleadings and/or documents via paper who are not subject to an exception will be issued an Order to Show Cause as to why they cannot file electronically and will be requested to appear before this Court.

B. Official Record of Filing

When a document has been filed electronically, the official record is the electronic recording of the document as stored by the Court, and the filing party is bound by the document as filed.

C. Notice of Bankruptcy Case Filing

Upon the opening of a bankruptcy proceeding, the ECF System will produce a "Notice of Bankruptcy Case Filing." A link to the "Notice of Bankruptcy Case Filing" will appear on the Notice of Electronic Filing at case opening. The entry date appears on the local court seal displayed on this formal notice. When the petition is submitted by an attorney, the entry date and both the date and the time of filing appear.

D. Filing Specifications

Before filing a document with the Court, a Filing User must verify its legibility.

1. Format

All electronic documents, except as noted below, must be submitted in Portable Document Format (PDF). Any exception to this rule will be specifically noted in these Administrative Procedures or ordered by a Judge.

2. Size Limit

Documents filed on the ECF System must be 8.5 x 11.0 or smaller and cannot exceed ten (10) megabytes in size. Files converted to PDF are approximately ten times smaller than files scanned to PDF. Filing User's should convert documents to PDF whenever possible. In order to control the size of scanned PDF files, any individual document that exceeds the limit of ten (10) megabytes should be broken into multiple PDF files and filed on the ECF System as a document and attachment(s). For example, for a ten page motion with 130 pages of exhibits, the main document might consist of the ten page motion and then the exhibits would be filed as three or four attachments to the main document.

3. Exhibits or Attachments

NOTE: THIS RULE IS NOT A SUBSTANTIVE RULE REGARDING DISCOVERY. IT SIMPLY ADDRESSES PROCEDURES FOR FILING EXHIBITS AND ATTACHMENTS IN ECF. Filers must submit in electronic form all documents referenced as exhibits or attachments, unless the Court permits paper filing. Filers must submit as exhibits or attachments only those excerpts of the referenced documents that are directly germane to the matter under consideration by the Court. Excerpted material must be clearly and prominently identified as such. Upon request by any party in interest or the Court, the complete document containing any excerpt shall be made available to both the party making the request and the Court, unless otherwise ordered by the Court. Filers who file excerpts of documents as exhibits or attachments under this rule do so without prejudice to their right to timely file additional excerpts or the complete document. Responding parties may timely file additional excerpts or the complete document if they believe such items are germane. Exhibits should be included with the main document if possible. If exhibits cannot be scanned, the attorney shall make a note in the docket text that there are unscannable exhibits.

4. Date/Time Filed

Because the ECF System is a "real-time" system, the NEF will show the actual date and time a document was filed on the ECF System. Documents submitted electronically on the ECF System outside of normal office hours will be deemed filed on the date and time received. Filing a document electronically does not alter the filing deadline for that document. For example, if a document is received at 8:30 PM on Tuesday, July 7, 2009, the NEF will show that date and time. Filing must be completed before midnight local time where the Court is located in order to be considered timely filed that day.

5. Creditor Lists

Creditor lists must be submitted in ASCII file format with an appropriate text extension (.txt) and shall be uploaded on the ECF System via the Creditor Maintenance link at the time of case filing. If additional creditors need to be added, an Amended List of Creditors should be uploaded directly through the ECF System. Instructions for creating a .txt file are available from the Clerk's Office and on the Court's Internet site. The creditor list, also called a matrix, should meet the following specifications:

- a. Creditor names and addresses must be five (5) lines or fewer;
- b. Each line may contain no more than 40 characters, including blanks;
- c. Names and addresses should be left justified (no leading spaces);
- d. Attention lines, if used, should appear on the second line of the address;
- e. City, state, and ZIP code must be on the last line.
- f. States must be two letter abbreviations;
- g. Hyphens must be used to separate the first five digits from the last four digits of addresses including a nine digit ZIP code;
- h. Creditors must be separated by, at least, one blank line;
- i. Case numbers, page numbers, account numbers, line numbers, headers, footers, etc. should be omitted from the list.

6. Signatures

- a. All pleadings and other papers and documents electronically filed shall either contain a scanned image of any signature(s) therein, an Adobe Acrobat Digital Signature, or indicate the signature by putting "/s/" and the name of the signatory where the original signature occurs. For example: /s/ John Doe.
- b. Petitions, lists, schedules, statements, amendments, pleadings, affidavits, and other documents that must contain original signatures or require verification under Federal Rule of Bankruptcy Procedure 1008 or an unsworn declaration as provided in 28 U.S.C. § 1746 may be filed electronically by attorneys registered in the ECF System. The attorney who files such a pleading or other document shall retain the originally executed document for audit

purposes for a period of no less than three years after the case has been closed.

E. Docket Entries

An attorney who electronically files a pleading or other document shall be responsible for designating a docket entry title for the document by using one of the docket event categories prescribed by the Court and in accordance with the *ECF Filer Manual*. Filers should ensure the exact pleading title is indicated in the docket text box. Once a document is submitted and becomes part of the case docket, corrections to the docket are made only by the Clerk.

F. Privacy

To address privacy concerns created by Internet access to Court documents, litigants must comply with General Order 24 and Fed. R. Bankr. P. 9037 regarding nondisclosure or partial redaction of certain personal data identifiers from documents filed with the Court.

1. Nondisclosure or Partial Redaction of Social Security Number

Bankruptcy cases filed electronically as part of the case opening in the ECF System *or* as part of the automated Case Upload process must include the full social security number in the data submitted to the Court. However, PDF documents submitted to the Court should contain only the last four digits of the social security number, in accordance with General Order 24 and Fed. R. Bankr. P. 9037.

2. Statement of Social Security Number, Official Form 21

Bankruptcy petitions, including amendments, filed in paper form must include a signed paper copy of the verified *Statement of Social Security Number, Official Form 21*. Debtors amending a social security number after case opening shall give creditors notice of the amendment in order to comply with Federal Rules of Bankruptcy Procedure 1009(a). The debtor's attorney shall retain a signed copy of the verified *Statement of Social Security Number* for five (5) years. To modify a social security number, Debtor's attorneys must also docket a request for social security modification via the ECF System and submit the *Statement of Social Security Number, Official Form 21* to the Court's dropbox at dropbox@areb.uscourts.gov.

G. Orders

1. Moving parties submitting Orders electronically must separately submit, in PDF format, a form of Order for entry by the Court for each pleading for which relief is requested. Orders submitted electronically require a case number, including division designation, (e.g., 4:06-XXXXX) and a specific description of the matter in the subject line of the e-mail transmitting the Order. For further information, see CM/ECF Order Processing available at <http://www.arb.uscourts.gov/ecf/ECFOrders.html>.

Orders will be submitted to the Court electronically by attaching them to e-mail sent to an address specific to each Judge. The judges' Order email addresses are as follows:

- a. Judge Ben Barry barryorders@arwb.uscourts.gov
 - b. Judge Phyllis Jones jonesorders@areb.uscourts.gov
 - c. Judge Rick Taylor taylororders@areb.uscourts.gov
2. If an Order is approved, the Judge's signature will be added to the Order and the Order will be docketed to the ECF System by the Court.
 3. If an Order is not approved, it will be returned via e-mail to the submitting party with an explanation of its rejection.
 4. The Court, in its discretion, may grant certain Orders by a text-only entry on the docket. In such instances, no PDF document shall be issued. The text-only order shall constitute the Court's only Order on the matter. Such text-only Orders are official and binding.

H. Fees Payable to the Clerk

When a fee payment is required with a filing, the Filing User will be prompted for an on-line credit card payment at time of filing. An ECF Filing User must pay the filing fee on-line by credit or debit card. Failure to pay any fees which are due may result in the Filing User being "locked out" of the ECF System until payment is made. An ECF Filing User who experiences Internet failure prohibiting on-line payment must fax a *One Time Credit Card Authorization Form* for each filing to 501-918-5520 for manual processing.

I. Expedited Matters

When filing expedited matters, the filing attorney shall immediately advise the Judge's courtroom deputy of the filing by phone. The telephone

numbers for the courtroom deputies are available on the Court's website at www.arb.uscourts.gov.

J. Documents to be Filed Under Seal

A motion to file document(s) under seal may be filed electronically; however, the actual document(s) to be filed under seal shall be filed in paper format and only after the motion is granted. The Clerk will electronically enter the Order of the Court authorizing the filing of such document(s) under seal and a paper copy of the Order shall be attached to the document(s) under seal and delivered to the Clerk at the time of the filing of the document(s). These documents will be maintained under seal in original format (paper) by the Clerk's Office.

K. Court's Technical Failures

In the event of a technical failure of the Court leading to the inaccessibility of the ECF System, documents may be submitted to the Clerk's office in paper. If a filing is made untimely due to a technical failure of the Court leading to the inaccessibility of the ECF System, this fact should be brought to the Court's attention and the Filing User may seek appropriate relief. A Filing User should report technical failure to the Court by contacting the ECF Help Desk at 501-918-5590 or Toll Free at 866-497-9068.

III. SERVICE OF DOCUMENTS

A. Means of Service/Consent to Electronic Service

Whenever a pleading or other paper is filed electronically in accordance with these Administrative Procedures, an NEF is automatically generated and sent via email to all registered attorneys and trustees assigned to the case at the time of docketing. The NEF will include a list of all parties to whom the electronic notice was sent. To the extent permitted under the applicable federal rules, an attorney's or other User's registration as a Filing User with this Court constitutes consent to electronic service of and to electronic notice of all documents, in lieu of service and/or notice by first class mail.

To ensure proper notification, ECF Filing Users should ensure that email account information is accurate in the ECF System for both the Eastern and Western Districts of Arkansas. Any questions regarding updating an email address may be directed to the ECF Help Desk at 501-918-5590 or Toll Free at 866-497-9068.

B. Certificate of Service

A certificate of service must be included with all documents filed electronically, indicating that service was accomplished through the NEF for Filing Users and indicating how service was accomplished on anyone who is not a Filing User.

C. Bankruptcy Noticing Center (BNC)

At this time, the Court shall continue to notice debtors and creditors using the BNC. **NOTE:** The Court will continue to use the BNC to send the “Notice of the 341a Meeting of Creditors” to *all* users, as this notice provides parties with the debtor(s) complete social security number.

D. Addition of Law Firms as Counsel

In any proceeding before the Court, if request is made for a law firm to appear or to employ a law firm as counsel, the requests must designate the name of a specific attorney from the firm to be designated as counsel. The designation of the specified counsel will ensure that the law firm and attorney receive proper notification of electronic filings in the specified case.

E. Sealed Filings

An alternate method of service is required by the filer of any sealed document. The filer of the sealed filing must determine the proper recipients of service and make arrangements to serve the filed document upon the appropriate party.

IV. PUBLIC ACCESS TO THE ECF SYSTEM

A. Public Access at the Court

Electronic access to the electronic docket and documents filed in the ECF System is available to the public at no charge at the Clerk’s Office in Little Rock and Fayetteville during regular business hours.

B. Internet Access

Although any person can retrieve and view documents in the ECF System and access information from it without charge at the Clerk’s Offices, electronic access to the ECF System for viewing purposes is otherwise limited to subscribers to the PACER system and, in accordance with the ruling of the Judicial Conference of the United States, a user fee will be charged for accessing certain detailed case information, such as reviewing filed documents and docket sheets, but excluding review of calendars and similar general information. Information regarding subscribing to PACER is available at the PACER Website at www.pacer.psc.uscourts.gov.

C. Transcripts

For complete details regarding Transcript availability, please see General Order 31.

D. Paper Copies and Certified Copies

Conventional copies and certified copies of electronically filed documents may be purchased at the Clerk's Office. The fee for copying and certification will be in accordance with 28 U.S.C. § 1930.

V. SUBSTITUTION AND WITHDRAWAL OF ATTORNEYS

A. Substitution

If an attorney representing a party in any bankruptcy proceeding wishes to be substituted for another attorney, either a notice of substitution or a motion to substitute must be filed. If a motion to substitute is filed, a precedent should also be submitted.

EXCEPTION: If a debtors' attorney is the attorney of record in more than 20 cases, the debtors' attorney may submit to the Court a single Request for Global Attorney Substitution ("Request"). A form Request is available on the Court's website. The Request should be signed by the original attorney of record and must be signed by the new attorney. A precedent should also be submitted; a sample precedent is available on the Court's website. If the Court grants the Request, the Court will sign an Order substituting the new attorney for the original attorney in all pending matters where the original attorney was named as attorney of record. The Court will make this substitution through the ECF system, and the Order will be kept on file with the Court. A copy will be sent to the original attorney and the new attorney, but the Order will not be entered on the docket in each individual case where a substitution occurs. Attorneys with questions regarding this procedure may contact the ECF Help Desk at 501-918-5590.

B. Withdrawal

If an attorney representing a party in any bankruptcy proceeding wishes to withdraw, that attorney must file a motion to withdraw.

VI. ROUTINE ORDERS ENTERED BY THE CLERK'S OFFICE

In accordance with General Order 11, the Clerk is authorized to administer and enter certain orders of the Court which appear routine in nature, as set forth below:

Order Discharging Chapter 7,12, And 13 Debtor(s)

Chapter 7/13 Order of Dismissal for Failure to File Schedules/Creditor Matrix (in certain circumstances)
Order Dismissing Case (in certain circumstances)
Order on Application to Pay Filing Fee in Installments
Order of Conversions of All Chapters
Order of Deficient Filing on All Chapters
Discharge of Trustee
Order Regarding Deconsolidation Deficiencies
Order Dismissing Case for Failure to Appear
Order Dismissing Joint Debtor for Failure to Appear
Order Granting Motion to Extend Time to Pay Filing Fee
Order to Show Cause (in certain circumstances)
Order to Submit Order/Proposed Order
Order Granting Motion to Restrict Public Access/Redact
Order Vacating/Setting Aside Order (for certain clerk's office entered orders)
Order to Continue Chapter 13 Meeting of Creditors
Order of Credit Counseling Deficiency (in certain circumstances)
Order Reopening Case/Reopening for Limited Purpose (in certain circumstances)

VII. AMENDMENT OF ADMINISTRATIVE PROCEDURES

The Court may amend these Administrative Procedures at any time without prior notice.